

REMARKS/ARGUMENTS

Claims 1-7, 9-19, 21, 22, 24-31 and 48-53 are resubmitted. Claims 8, 20 and 23 have been canceled with this amendment. Claims 32-47 and 54-56 were previously withdrawn in response to a restriction/election without prejudice to further prosecution of the remaining claims. With this amendment, Claims 1, 14, and 22 have been amended. No claims have been added.

Status of the Claims

Claims 1-56 are pending, of those claims, Claims 8, 20, 23, 32-47 and 54-56 are withdrawn from consideration. Claims 48-53 are allowed, Claims 1-7, 9-12, 14-19, 22 and 28-31 are rejected and Claims 8, 13, 20, 21 and 23-27 are objected to.

Claims 1-4, 9-12 and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,662,456 to Triplett (Triplett).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triplett in view of U.S. Patent Number 6,792,831 to Crosser (Crosser).

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,189,808 to Evans et al. (Evans) in view of U.S. Patent Number 5,501,020 to Welt (Welt).

Claims 8, 13, 20-21 and 23-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 48-51 are allowed.

Section 102(e) Rejections

Claims 1 and 14 have been amended to address the 102(e) rejections.

Triplett (U.S. Patent Number 6,662,456)

Triplett teaches a manually operated device for measuring the height of a protrusion or raised area on the sidewalls of tires which comprises a thin U-shaped body with a pair of spaced apart parallel legs and a cross member extending therebetween. A thin rigid metal scale is slidably mounted within a channel formed in the top member and has a top edge which aligns with a top surface of the cross member at the beginning of the measuring procedure. There is no mention or provision for a means to adapt this device to measure the installation requirements of fastener systems. There is no reference indicators on the device to provide an indication if a protrusion is acceptable or unacceptable.

On the other hand, Applicant's invention discloses a device to quickly and easily determine the acceptability of a fastener system based on predetermined installation criteria. Claim 1 has been amended to include the limitation of Claim 8 and Claim 14 has been amended to include the limitations of Claim 20. Therefore, a shoulder is provided, as in Claim 1 and 14 as amended, which provides an easy means for the user to determine if the fastener system is acceptable.

Therefore, Triplett does not anticipate or make obvious the present invention as in Claims 1 and 14 as amended, either alone or with the other references of record.

Section 103(a) Rejections

Claims 1, and 14 have been amended to address the 103(a) rejections. In addition, Claim 22 has been amended to include the limitations as found in Claim 24.

Specifically, Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Triplett in view of U.S. Patent Number 6,792,831 to Crosser (Crosser) and Claims 28-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,189,808 to Evans et al. (Evans) in view of U.S. Patent Number 5,501,020 to Welt (Welt).

Crosser (U.S. Patent Number 6,792,831)

Crosser teaches a means for matching the various sizes of hand tools with the head size of hardware with a color matching scheme which allows a user to choose the right size tool to match the hardware. For example, a 3/8" bolt may have a color indicator of purple and the matching 3/8" wrench may have the same color purple affixed to the wrench handle. This facilitates the use of the correctly sized wrench without the need for reading the numbers on the wrench or guessing the size of the bolt head. Crosser contains no discussion of installation requirements of the hardware. Crosser's color coding scheme is only to match the hardware head size to the correct wrench size. Applying a color scheme to determine the acceptability of the fastener system is not discussed.

The instant application however, uses a color scheme to identify the acceptability of a fastener system based on established installation criteria. In this case the color is being used as a pass/fail test. The use of color in the present application is in no way used to determine the correct size of a tool.

Therefore, Crosser does not anticipate or make obvious the present invention as in Claims 5 and 7, either alone or with the other references of record.

Evans et al. (U.S. Patent No. 5,189,808)

Evans teaches a gauge for measuring the depth of a countersink and the protrusion height of a fastener head above the surface of a work piece. Evans includes a cylindrical probe assembly for contacting the work piece around the hole or around the fastener head to establish the reference position on the aircraft skin from which the measurement is to be taken. The device in the Evans patent is used primarily for the measurement of the protrusion of unthreaded rivets above an aircraft skin and purports to employ a method or calculation to determine the countersink depth. Another important distinction is the fact that Evans is configured to measure the protrusion of the hardware by measurement of the head end. Determining the actual protrusion of the hardware through the workpiece requires the user to know the thickness of the workpiece and the length of the rivet, both of which also have significant variability.

In the present application, Claim 28 includes the limitation that "said sensing end references the shank section of a bolt of the fastening system". The ability to reference the shank section of a bolt protruding through the workpiece may be required to determine the acceptability of the installation of a threaded fastener into the given work piece. Evans has no means, nor does it contemplate, the inspection of the threaded end of a fastener inserted through a workpiece. In addition, the present application measures the hardware from the non-headed end, ie, the end which is inserted through the workpiece. This direct measurement of the actual amount the hardware protrudes from the

workpiece removes any doubt of the acceptability of a given threaded fastener into a workpiece.

Therefore, Evans does not anticipate or make obvious the present invention as in Claims 28 - 31, either alone or with the other references of record.

Welt (U.S. Patent Number 5,501,020)

Welt teaches a simple fastener and drill bit gauge which comprises a first gauge element having a series of holes with different respective diameters formed therein and arranged in order of progressively increasing diameters, each hole corresponding to a given drill bit size. A second gauge element is comprised of a series of holes which corresponds to the diameter of a given fastening element. With this device, a user may quickly determine the correct drill bit size for a given fastening element. Welt does not provide any means to measure the length of a fastener, the grip length of a fastener, the length of the threaded portion of a fastener nor the thread size of a fastener. Welt only assists the user in determining the correct hole size for a given fastener size.

The instant application however provides a means to determine the acceptability of a given fastening system into a work piece and also provides a means to measure and adapt a given fastening system to a work piece by the addition or removal of washers.

Therefore, Welt does not anticipate or make obvious the present invention as in Claims 28 - 31, either alone or with the other references of record.

CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to Claims 1-7, 9-19, 21, 22, 24-31 and 48-53 is respectfully requested.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

By: /David Bowls/
Eric Spencer, Reg. No. 39,383
David Bowls, Reg. No. 39,915
Michael A. Shimokaji, Reg. No. 32,303

Shimokaji & Associates, P.C.
8911 Research Drive
Irvine, CA 92618
(949) 788-9961

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Alexandria, VA 22313-1450

on 8/4/05

/David Bowls/
David Bowls, Reg. No. 39,915
Michael A. Shimokaji, Reg. No. 32,303